

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

X

2007 JUL 24 A 11:00

IN RE: PHARMACEUTICAL INDUSTRY,  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456  
Master File No. 12657-PBS  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

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THIS DOCUMENT RELATES TO:

**WAIVER OF SERVICE OF  
SUMMONS & COMPLAINT**

The County of Orange v.  
Abbott Laboratories, Inc., et al.

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To: Stanley J. Levy, Esq.  
Levy Phillips & Konisberg  
800 Third Avenue  
New York, New York 10022

Pursuant to the Consolidated Stipulation & Order, defendant Genentech, Inc. ("Genentech") acknowledges receipt of your request that it waive service in the above captioned action. Genentech has received a copy of the summons and complaint in this action.

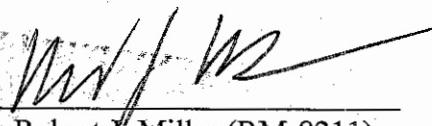
Genentech agrees to save the cost of service of the summons and complaint by not requiring that Genentech be served with judicial process in the manner provided by Fed. R. Civ. P. 4.

Genentech retains all defenses or objections to this action or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

Genentech understands that, pursuant to the Consolidated Stipulation & Order, its time to answer or otherwise respond to the complaint will be extended pending the Court's further order at the status conference in the New York County Actions or thereafter.

Dated: May 22, 2007

REED SMITH LLP

By: 

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*Attorneys for Genentech, Inc.*